The Planning Inspectorate

Appeal Decision

Site visit made on 18 August 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2020

Appeal Ref: APP/X5990/W/19/3236819
112 Crawford Street, London W1H 2JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Chhokar against the decision of City of Westminster Council.
- The application Ref 19/00999/FULL, dated 11 February 2019, was refused by notice dated 2 July 2019.
- The development proposed is change of use from basement storage space into studio flat.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of proposed development shown on the Council's decision notice is different to that presented on the planning application form. There is no information before me to show that this change has been agreed by the appellant. Therefore, I have used the description shown on the planning application form in the heading above.

3. The drawings show that the proposed change of use to a studio flat relates to the basement and the rear part of the ground floor, comprising a bathroom and dressing room. I have determined the appeal on this basis and that no change of use is otherwise proposed to the ground floor commercial unit.

Main Issues

4. The main issues are (i) whether the proposed development would provide acceptable living conditions for future occupiers; and, (ii) the effect of the proposed development on the vitality and viability of the designated local shopping area.

Reasons

Living conditions of future occupiers

5. The proposed studio flat would provide residential accommodation on 2 floors. There would be an internal staircase linking the basement living area to the bathroom and dressing room on the ground floor, and it would therefore be a 2-storey dwelling. The Technical housing standards – nationally described space standard (the NDSS) sets out that the minimum gross internal floor area (GIA) for a 2-storey dwelling is 58 square metres. The proposed dwelling would have a GIA of around 39 square metres, which would be below the minimum

standard. The size of the dwelling would therefore be insufficient and would fail to provide comfortable living space for occupiers for day-to-day living activities.

6. Furthermore, the frontage of the appeal site would be dug out to provide steps leading down from the street to the main entrance of the proposed flat. No cross-section drawings showing the front lightwell have been provided. Nevertheless, based on the information before me, the front window would have a high degree of enclosure due to its position below ground level and the close proximity of the lightwell walls.

7. The 3no enlarged side windows would be positioned just above pavement level and directly face the 4 storey side elevation of the adjacent building. Given the narrow width of Montagu Mews North, there would only be a limited separation.

8. Accordingly, there would be poor outlook from the front and side windows, which would create enclosed and oppressive living conditions for future occupiers. Moreover, in the absence of any detailed assessment or investigation to demonstrate otherwise, I also consider that the living accommodation would receive poor levels of daylight and sunlight.

9. Drawing the above factors together, the size of the proposed dwelling would fail to provide comfortable living space, and the accommodation would be gloomy and oppressive.

10. I acknowledge that the Council has previously granted planning permission[1] at 40 Crawford Street for a basement flat with a front light well. However, I have considered the proposal on its own merits and I am not bound by previous decisions made by the Council.

11. For the above reasons, I conclude that the proposed development would fail to provide acceptable living conditions for future occupiers. The proposal would therefore be contrary to Policy S29 of Westminster's City Plan adopted November 2016 (the City Plan) and Policy 3.5 of the London Plan (2016), which, amongst other things, require residential development to be of the highest quality internally.

Vitality and viability

12. The appeal property is within a designated Local Shopping Centre and currently provides professional services. The Inspector for the previous appeal[2] noted that there were few visibly empty commercial units in the environs of the appeal site, and there is a good range of types of businesses within the units, including convenience retailers, which shows that demand for commercial units along that thoroughfare is reasonably strong. I observed the same at my site visit.

13. In comparison to the previous appeal scheme, the proposal would result in additional loss of commercial floorspace at the rear of the ground floor, comprising a bathroom and dressing room for the proposed dwelling. Nevertheless, this reduction would be small, and a commercial space of reasonable size would be retained to the front. There is no substantive evidence before me to show that the retained floorspace could not

[1] Council reference: 14/07413/FULL
[2] Appeal reference: 3205570

accommodate commercial uses. Consequently, the proposal would not be harmful to the vitality and viability of the designated local shopping frontage.

14. I note the appeal decisions[3] referred to by the Council, however these relate to premises in different parts of the Borough. The appellant has drawn my attention to planning permissions[4] granted by the Council for the change of use of the rear part of commercial units in Crawford Street to residential use, which has resulted in a reduction of commercial floorspace. The Council has provided no comments in relation to those cases. Nevertheless, I have determined the appeal scheme on its own merits on the basis of the evidence before me.

15. For these reasons, I conclude that the proposed development would not cause harm to the vitality and viability of the designated local shopping area. The proposal would therefore accord with Policy S21 of the City Plan, which, amongst other things, seeks to ensure that the needs of customers and retailers across the city can be met.

Other Matters

16. The proposal would make efficient use of previously developed land in an accessible location and help meet the need for additional homes. Nevertheless, the contribution provided by one dwelling would be limited. Furthermore, there would be modest economic advantages from the occupation of the proposed dwelling. However, these factors would not overcome the harm I have identified above.

Conclusion

17. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR

[3] Appeal references: 3167791 & 3167022
[4] 17 Crawford Street 16/08629/FUL; and 43 Crawford Street 14/01686/FUL.